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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

| | |
|---|---|
| JOSUE SOTO Individually, on Behalf of All Others Similarly Situated, and on Behalf of the General Public,<br><br>              Plaintiff,<br><br>v.<br><br>DIAKON LOGISTICS (DELAWARE) INC.,<br><br>              Defendant,<br><br>AND RELATED COUNTERCLAIM AND THIRD PARTY COMPLAINT. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | **CIVIL NO. 08cv33-L(AJB)**<br><br>**ORDER GRANTING JOINT MOTION TO CONTINUE HEARING DATE ON DIAKON LOGISTICS (DELAWARE), INC.'S MOTION TO DISMISS FIRST AMENDED COMPLAINT** |

On July 2, 2008 the parties filed a Joint Motion to Continue Hearing Date on Diakon

Logistics (Delaware), Inc.'s Motion to Dismiss First Amended Complaint, which seeks to continue

the hearing date on Diakon's Motion to Dismiss (doc. no. 36) from July 14, 2008 to the new hearing

date of August 11, 2008, so that Diakon's motion can be heard in conjunction with the hearing on

Plaintiffs' Motion to Dismiss Amended Counterclaim as to Josue Soto Pursuant to Fed. R. Civ. P.

12(b)(6) (doc. no. 41) and Plaintiffs' Motion to Dismiss First Amended Third Party Complaint of

Diakon Logistics (Delaware), Inc. against Saybe's, LLC, Abdul Trucking, Inc., and Rashid

Trucking, Inc., pursuant to Fed. R. Civ. P. 12(b)(6) (doc. no. 45).

1   The hearing date on both Motions to Dismiss filed by Plaintiffs has been set as August 11,

2   2008 pursuant to an Order issued by this Court on June 25, 2008 (doc. no. 47).  For good cause

3   shown, the joint motion is **GRANTED**.
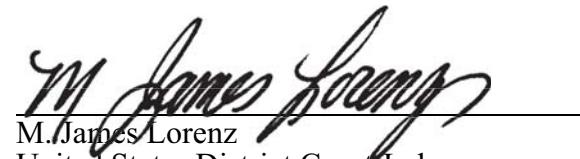
4        **IT IS HEREBY ORDERED** as follows:

5        1.     The hearing on Diakon's Motion to Dismiss First Amended Complaint (doc. no. 36),

6   is **CONTINUED** to August 11, 2008 at 10:30 a.m.

7        2.     The reply papers on the motion shall be filed and served no later than July 7, 2008.

8        **IT IS SO ORDERED**

9   Dated:  July 3, 2008

10                                                  M. James Lorenz
                                                    United States District Court Judge

11  *Copies to:*

12  HON. ANTHONY J. BATTAGLIA
    UNITED STATES MAGISTRATE JUDGE
13
    ALL PARTIES/COUNSEL
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